

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

FRANK L. HOWARD,

Plaintiff,

v.

NURSE MONROE, *et al.*,

Defendants.

Case No. 2:05-CV-81

HON. RICHARD ALAN ENSLEN

**ORDER**

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This matter is before the Court on Plaintiff's Objections to the April 18, 2005, Order of United States Magistrate Judge Timothy P. Greeley, which the Court construes as an appeal of that Order. The Order granted Defendants Dr. Abdellatif and Correctional Medical Services' Motion to compel Plaintiff to release his medical records.

A magistrate judge's resolution of a non-dispositive pretrial matter should be modified or set aside on appeal only if it is clearly erroneous or contrary to law. 28 U.S.C. § 636(b)(1)(A); Fed. R. Civ. P. 72(a). A finding is clearly erroneous when, although there is evidence to support it, the reviewing court is left with a definite and firm conviction that a mistake has been committed. *United States v. Gypsum Co.*, 333 U.S. 364, 395 (1948).

Upon review, the Court finds no error. Plaintiff's medical records prior to August 2002 are relevant to the determination of the claims brought in this suit. Additionally, the release of the medical records is justified by a release form signed by Plaintiff. (Dkt. No. 49.) For those reasons, the Order of the Magistrate Judge is not clearly erroneous. Accordingly, the April 18, 2005 Order of the Magistrate Judge (Dkt. No. 45) is hereby **AFFIRMED** and Plaintiff Frank L. Howard's Objections (Dkt. No. 47) are **DENIED**.

DATED in Kalamazoo, MI:  
May 17, 2005

/s/ Richard Alan Enslen  
RICHARD ALAN ENSLEN  
UNITED STATES DISTRICT JUDGE